

DEC 28 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BAOCHEN XING,

Petitioner,

v.

MICHAEL B. MUKASEY,* Attorney
General,

Respondent.

No. 05-75977

Agency No. A95-291-611

MEMORANDUM**

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 3, 2007***

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Baochen Xing, a native and citizen of China, petitions for review of the
Board of Immigration Appeals' ("BIA") order denying his motion to reopen and

* Pursuant to Fed. R. App. P. 43(c)(2), Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States.

** This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

*** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

reconsider. To the extent we have jurisdiction, it is under 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the BIA's May 26, 2006, order dismissing Xing's direct appeal from the Immigration Judge's decision because the petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

Xing has not provided argument on, and has therefore waived any challenge to, the BIA's denial of his motion to reopen and reconsider. *See Ghahremani v. Gonzales*, 498 F.3d 993, 997-98 (9th Cir. 2007).

PETITION FOR REVIEW DISMISSED IN PART; DENIED IN PART.